

04/04/01

1051 U.S. PTO 09/825067 04/04/01

**UTILITY
PATENT APPLICATION
TRANSMITTAL**Only for new, nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.

2599-104-D2

First Inventor

Kelly G. AMMANN

Title

AUTOMATED DIAGNOSTIC ANALYZER AND METHOD

☒ **Assignee Information:** Gen-Probe Incorporated, 10210 Genetic Center Drive, San Diego, California 92121**APPLICATION ELEMENTS**

See MPEP Chapter 600 concerning utility patent application contents

ADDRESS TO: Assistant Commissioner of Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status
3. ☒ Specification Total pages 111
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross references to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) Total sheets 46
5. ☒ Oath or Declaration Total pages 04
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
- [Note Box 5 below]**
- i. ☒ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named
in the prior application, see 37 CFR 1.63(d)(2) and
1.33(b)
6. ☒ Application Data Sheet

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program
8. ☐ Nucleotide and/or Amino Acid Sequence
Submission
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement
(when there is an assignee)
- ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement /PTO 1449
- ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ Request and Certification under 35 U.S.C.
122(b)(2)(B)(i)
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below or in an application Data Sheet
under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/303,030

Prior application information: Examiner J. Lundgren Group Art Unit 1631

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Customer Number or Bar Code Label: **6449**

ADDRESS

Rothwell, Figg, Ernst & Manbeck
Suite 701-East, 555 13th Street, N.W.

CITY

Washington

STATE

DC

ZIP CODE

20004

COUNTRY

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TELEPHONE

202-783-6040

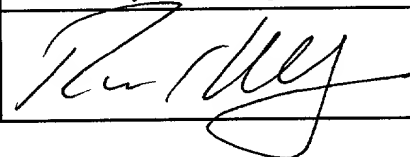
FAX

202-783-6031

NAME

Richard Wydeven, Registration No. 39,881

SIGNATURE



DATE

April 4, 2001

FEE TRANSMITTAL for FY 2001 (Large Entity)	Complete if Known		
	Application Number	New Application	
	Filing Date	Concurrently Herewith	
	First Named Inventor	Kelly G. AMMANN	
	Group Art Unit	Unknown	
	Examiner Name	Unknown	
Total Amount of Payment (\$)	710.00	Attorney Docket Number	2599-104-D2

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge the required fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status
2. ☐ Payment Enclosed:
- ☐ Check
- ☐ Credit Card

FEE CALCULATION

FILING FEE			
Fee Code	Fee Paid	Fee Description	Fee Paid
101	710	Utility Filing Fee	[710.00]
106	320	Design Filing Fee	[]
107	490	Plant Filing Fee	[]
108	710	Reissue Filing Fee	[]
114	150	Provisional Filing Fee	[]
SUBTOTAL \$			710.00

2. CLAIMS

	Extra Claims	Fee	Fee Paid
Total Claims	18 - 20" = 0	x \$ 18.00 =	[0.00]
Independent Claims	1 - 3" = 0	x \$ 80.00 =	[0.00]
Multiple Dependent Claims		+ \$ 270.00	[0.00]
SUBTOTAL \$			0.00


"or number previously paid, if greater;

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	[]
127	50	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
115	110	Extension for reply within first month	[]
116	390	Extension for reply within second month	[]
117	890	Extension for reply within third month	[]
118	1,390	Extension for reply within fourth month	[]
128	1,890	Extension for reply within fifth month	[]
119	310	Notice of Appeal	[]
120	310	Filing a brief in support of an appeal	[]
121	270	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
140	110	Petition to revive - unavoidable	[]
141	1,240	Petition to revive - unintentional	[]
142	1,240	Utility issue fee (or reissue)	[]
143	440	Design issue fee	[]
144	600	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
146	710	Filing a submission after final rejection (37 CFR.129(a))	[]
149	710	For each additional invention to be examined (37 CFR 1.129(b))	[]
179	710	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing application for patent term adjustment	[]
090	200	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

*Reduced by Basic Filing Fee Paid

SUBTOTAL \$

SUBMITTED BY:					Complete (if applicable)	
NAME AND REG. NUMBER Richard Wydeven, Registration No. 39,881						
SIGNATURE			DATE	4/4/01	DEPOSIT ACCOUNT USER ID	02-2135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **DIVISIONAL** application of Serial No.)
09/303,030 filed April 30, 1999)
)
Kelly G. AMMANN)
) Examiner: Unknown
Serial No.: Unknown)
) Group Art Unit: Unknown
Filed: Concurrently Herewith)
)
For: AUTOMATED DIAGNOSTIC)
ANALYZER AND METHOD) Date: April 4, 2001

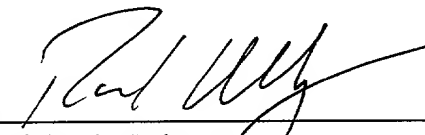
STATEMENT UNDER 37 C.F.R. § 1.63(d)(2)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.63(d)(2) and the Preliminary Amendment filed herewith, please delete the names of Ralph E. Burns, Ernest V. Hansberry, Glenn A. Horner, Cheryl A. Jakub, John E. Kling, Donald J. Nieglos, Robert E. Schneider, and Robert J. Smith, who are not inventors in the above-captioned divisional application.

Respectfully submitted,

By: 
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Attorney for Applicant
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